

1 ANTONIO V. NAGUIAT JR. / OLIVIA B. MAGNO

2 Name and Address

3 47945 AVALON HEIGHTS TERRACE

4 FREMONT, CA 94539

FILED  
2010 SEP 29 P 12:29  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA

7 ANTONIO V. NAGUIAT JR.  
8 MD

9 OLIVIA B. MAGNO

10 Plaintiff / Petitioner

11 VS.

12 BAC HOME LOANS SERVICING, LP  
13

14 Defendant / Respondent  
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Case No.

C10-04303 RS

Document Name:

AFFIDAVIT OF NOTICE

PROOF OF TRANSMISSION

## AFFIDAVIT OF NOTICE

I, ANTONIO V. NAGUIAT JR & OLIVIA B. MAGNO do swear and affirm that I have served a signed copy of this Petition for TRO to RECONTRUST by way of facimile on 24<sup>th</sup> day of SEPTEMBER, 2010 at approximately 2:00 (a.m./p.m.). Proof of delivery is attached. RE FAXED AGAIN ON SEPTEMBER 29, 2010 AT 10:48 AM. PROOF OF TRANSMISSION IS ATTACHED.

Additionally, I did telephone the offices of RECONTRUST at (800) 281-8219 and spoke with AXEL SOTO. During that conversation I requested a delay in the impending foreclosure sale and the response was NEGATIVE. HE SAID ONLY BANK OF AMERICA CAN AUTHORIZE A DELAY IN THE FORECLOSURE SALE.

Further, I asked AXEL SOTO if he/she would stipulate to the TRO and the response was NEGATIVE. HE SAID HE DOES NOT HAVE THE AUTHORITY.

Notice was given, alternatives were sought, cooperation was (not) forthcoming.

Antonio V. Naguiat Jr  
Antonio V Naguiat, Jr and

Olivia B Magno  
Olivia B Magno

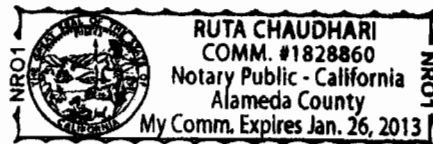
State of California  
County of Alameda ) ss.

Re . The Person above, who proved to me on the basis of satisfactory evidence to be the person whose name <sup>is</sup> subscribed to this document and acknowledged to me that he/she executed the same in his authorized capacity and that by his signature on this instrument who is the person who executed this instrument. Their Re.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Ruta Chaudhari  
NOTARY PUBLIC IN AND FOR



Notary Seal

*California All-Purpose Acknowledgment Attached*

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of AlamedaOn 29th Sept. 2010 before me, Ruta Chaudhari, Notary public  
(Here insert name and title of the officer)personally appeared Antonio V Maguiat Jr. and Olivia B Magno

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

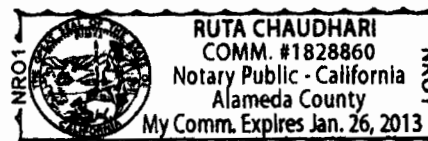
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Ruta Chaudhari

Signature of Notary Public

(Notary Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Affidavit of Notice

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 1 Document Date           

(Additional information)

### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other

### INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

PSC 2000 Series 2210v  
Personal Printer/Fax/Copier/Scanner

Log for  
Olivia Magno  
5104876566  
Jan-00-00 00:00AM

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**Last Transaction**

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Jan 00	00:00AM	Fax Sent	18055774562	1:32	6	OK

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PSC 2000 Series 2210v  
Personal Printer/Fax/Copier/Scanner

Log for  
Olivia Magno  
5104876566  
Sep 29 2010 10:47AM

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**Last Transaction**

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Sep 29	10:42AM	Fax Sent	18055774562	1:32	6	OK

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